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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2654

01/31/2022 Authored by Richardson, Becker-Finn, Jordan, Freiberg, Reyer and others
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health; expanding maternal death studies conducted by the commissioner
1.3 of health to include maternal morbidity; amending Minnesota Statutes 2020, section
1.4 145.901, as amended.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 145.901, as amended by Laws 2021, First
1.7 Special Session chapter 7, article 3, sections 37 to 39, is amended to read:

1.8 145.901 MATERNAL MORBIDITY AND DEATH STUDIES.

1.9 Subdivision 1. Purpose. (a) The commissioner of health may conduct maternal morbidity
1.10 and death studies to assist the planning, implementation, and evaluation of medical, health,
1.11 and welfare service systems and to reduce the numbers of preventable adverse maternal
1.12 outcomes and deaths in Minnesota.

1.13 (b) For purposes of this section, "maternal morbidity" has the meaning given to severe
1.14 maternal morbidity by the Centers for Disease Control and Prevention, and includes an
1.15 unexpected outcome of labor or delivery that results in significant short- or long-term
1.16 consequences to a woman's health.

1.17 Subd. 2. Access to data. (a) The commissioner of health has access to medical data as
1.18 defined in section 13.384, subdivision 1, paragraph (b), medical examiner data as defined
1.19 in section 13.83, subdivision 1, and health records created, maintained, or stored by providers
1.20 as defined in section 144.291, subdivision 2, paragraph (c), without the consent of the subject
1.21 of the data, and without the consent of the parent, spouse, other guardian, or legal
1.22 representative of the subject of the data, when the subject of the data is a woman who died

2.1 or experienced morbidities during a pregnancy or within 12 months of a fetal death, a live  
2.2 birth, or other termination of a pregnancy.

2.3 The commissioner has access only to medical data and health records related to maternal  
2.4 morbidity and deaths that occur on or after July 1, 2000, including the names of the  
2.5 providers, clinics, or other health services such as family home visiting programs; the  
2.6 women, infants, and children (WIC) program; prescription monitoring programs; and  
2.7 behavioral health services, where care was received before, during, or related to the pregnancy  
2.8 or death. The commissioner has access to records maintained by family home visiting  
2.9 programs; the women, infants, and children (WIC) program; the prescription monitoring  
2.10 program; behavioral health services programs; substance use treatment facilities; law  
2.11 enforcement; and a medical examiner, a coroner, or hospitals or to hospital discharge data,  
2.12 for the purpose of providing the name and location of any pre-pregnancy, prenatal,  
2.13 postpartum, or other care received by the subject of the data up to one year after the end of  
2.14 the pregnancy.

2.15 (b) The provider or responsible authority that creates, maintains, or stores the data shall  
2.16 furnish the data upon the request of the commissioner. The provider or responsible authority  
2.17 may charge a fee for providing the data, not to exceed the actual cost of retrieving and  
2.18 duplicating the data.

2.19 (c) The commissioner shall make a good faith reasonable effort to notify the subject of  
2.20 the data, or the subject's parent, spouse, other guardian, or legal representative of the subject  
2.21 of the data before collecting data on the subject. For purposes of this paragraph, "reasonable  
2.22 effort" means one notice is sent by certified mail to the last known address of the subject  
2.23 of the data, or the subject's parent, spouse, guardian, or legal representative informing the  
2.24 recipient of the data collection and offering a public health nurse support visit if desired.

2.25 (d) The commissioner does not have access to coroner or medical examiner data that  
2.26 are part of an active investigation as described in section 13.83.

2.27 (e) The commissioner may request and receive from a coroner or medical examiner the  
2.28 name of the health care provider that provided prenatal, postpartum, or other health services  
2.29 to the subject of the data.

2.30 (f) The commissioner may access Department of Human Services data to identify sources  
2.31 of care and services to assist with the evaluation of welfare systems, including housing, to  
2.32 reduce preventable maternal deaths.

2.33 (g) The commissioner may request and receive law enforcement reports or incident  
2.34 reports related to the subject of the data.

3.1 Subd. 3. **Management of records.** After the commissioner has collected all data about  
3.2 a subject of a maternal morbidity or death study needed to perform the study, the data from  
3.3 source records obtained under subdivision 2, other than data identifying the subject, must  
3.4 be transferred to separate records to be maintained by the commissioner. Notwithstanding  
3.5 section 138.17, after the data have been transferred, all source records obtained under  
3.6 subdivision 2 possessed by the commissioner must be destroyed.

3.7 Subd. 4. **Classification of data.** (a) Data provided to the commissioner from source  
3.8 records under subdivision 2, including identifying information on individual providers, data  
3.9 subjects, or their children, and data derived by the commissioner under subdivision 3 for  
3.10 the purpose of carrying out maternal morbidity and death studies, are classified as confidential  
3.11 data on individuals or confidential data on decedents, as defined in sections 13.02, subdivision  
3.12 3, and 13.10, subdivision 1, paragraph (a).

3.13 (b) Information classified under paragraph (a) shall not be subject to discovery or  
3.14 introduction into evidence in any administrative, civil, or criminal proceeding. Such  
3.15 information otherwise available from an original source shall not be immune from discovery  
3.16 or barred from introduction into evidence merely because it was utilized by the commissioner  
3.17 in carrying out maternal morbidity and death studies.

3.18 (c) Summary data on maternal morbidity and death studies created by the commissioner,  
3.19 which does not identify individual data subjects or individual providers, shall be public in  
3.20 accordance with section 13.05, subdivision 7.

3.21 (d) Data provided by the commissioner of human services to the commissioner of health  
3.22 under this section retain the same classification the data held when retained by the  
3.23 commissioner of human services, as required under section 13.03, subdivision 4, paragraph  
3.24 (c).

3.25 Subd. 5. **Maternal Morbidity and Mortality Review Committee.** (a) The commissioner  
3.26 of health shall convene a Maternal Morbidity and Mortality Review Committee to conduct  
3.27 maternal morbidity and death study reviews, make recommendations, and publicly share  
3.28 summary information. The commissioner shall appoint members to the review committee,  
3.29 and membership may include but is not limited to medical examiners or coroners,  
3.30 representatives of health care institutions that provide care to pregnant women, obstetric  
3.31 and midwifery practitioners, Medicaid representatives, representatives of state agencies,  
3.32 individuals from communities with disparate rates of maternal morbidity and mortality, and  
3.33 other subject matter experts as appropriate. Committee membership shall not exceed 25

4.1 members. The review committee shall review data from source records obtained under  
4.2 subdivision 2, other than data identifying the subject or the provider.

4.3 (b) A person attending a Maternal Morbidity and Mortality Review Committee meeting  
4.4 shall not disclose what transpired at the meeting, except as necessary to carry out the purposes  
4.5 of the review committee. The proceedings and records of the review committee are protected  
4.6 nonpublic data as defined in section 13.02, subdivision 13. Discovery and introduction into  
4.7 evidence in legal proceedings of case review committee proceedings and records, and  
4.8 testimony in legal proceedings by review committee members and persons presenting  
4.9 information to the review committee, shall occur in compliance with the requirements in  
4.10 section 256.01, subdivision 12, paragraph (e).